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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 4739

(By Delegate s Kiss, Burke and Farris)



Passed March 9 1996

In Effect From Passage

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ENROLLED

H. B. 4739

(BY DELEGATES KISS, BURKE AND FARRIS)

[Passed March 9, 1996; in effect from passage.]

AN ACT to amend and reenact section eight, article twenty-two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to local option elections to determine whether video lottery games shall be permitted at pari-mutuel racetracks; limiting the election on this question to general elections; and defining the term "two-years" for purposes of this section.

Be it enacted by the Legislature of West Virginia:

That section eight, article twenty-two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

§29-22A-8. Form of application; local option elections; issuance of license; notice of incomplete application; notice of license or permit denial, suspension or revocation; procedure for review of license or permit denial, suspension or revocation; fees, renewal fees and renewal dates; bonding; renewal of licenses and permits; notice of change affecting license or permit; license or permit not transferrable or assignable.

- 1 (a) The commission shall determine the form of
- 2 applications to be used and shall not consider incomplete

3 applications. The commission may consider an application
4 when the applicant has completed and executed all forms
5 and documents required by the commission and all
6 application fees and costs have been paid.

7 (b) The question of whether video lottery games shall
8 be permitted at pari-mutuel racetracks shall be determined
9 by local option election in each county in which a
10 pari-mutuel racetrack is located. The local option election
11 on this question may be placed on the ballot in each
12 county at the primary election to be held on the tenth day
13 of May, one thousand nine hundred ninety-four, or at any
14 general election to be held thereafter. The county
15 commission of the county in which the racetrack is located
16 shall give notice to the public of such election by
17 publication thereof as a Class II-0 legal advertisement in
18 compliance with the provisions of article three, chapter
19 fifty-nine of this code, and the publication area for the
20 publication shall be the county in which the election is to
21 be held. The date of the last publication of the notice
22 shall fall on a date within the period of the fourteen
23 consecutive days next preceding the election.

24 On the local option election ballot shall be printed the
25 following:

26 Shall West Virginia lottery commission video lottery
27 games be permitted within an area at the [name of
28 racetrack] in which pari-mutuel betting is authorized by
29 law?

30 [] Yes [] No

31 (Place a cross mark in the square opposite your
32 choice.)

33 The ballots shall be counted, returns made and
34 canvassed as in general elections, and the results certified
35 by the commissioners of election to the county com-
36 mission. The county commission shall, without delay,
37 certify the result of the election to the commission.

38 (c) Upon receipt of the results of the election from the
39 county commission, and if a majority has voted "yes", the
40 commission shall issue the requested license if the

41 applicant is otherwise qualified for the license. If a
 42 majority has voted "no", the commission shall so notify the
 43 applicant, the application shall be denied, and another
 44 election on the issue shall not be held for a period of two
 45 years: *Provided*, That for purposes of this section, the
 46 term "two years" means the interval between a general
 47 election and the next general election, and in no event
 48 shall it mean or encompass a period of time in excess of
 49 one hundred four weeks. If a majority has voted "yes",
 50 another local option election on the issue shall not be held
 51 for a period of five years. A local option election may
 52 thereafter be held if a written petition of qualified voters
 53 residing within the county equal to at least five percent of
 54 the number of persons who were registered to vote in the
 55 next preceding general election is received by the county
 56 commission of the county in which the horse or dog
 57 racetrack is located. The petition may be in any number
 58 of counterparts.

59 The petition shall be in the following form:

60 Petition For Local Option Election

61 We, the undersigned legally qualified voters, resident
 62 within the county of _____, do hereby
 63 petition that a special election be held within the county of
 64 _____ upon the following question: Shall
 65 West Virginia lottery commission video lottery games be
 66 permitted within an area at the [name of racetrack] in
 67 which pari-mutuel betting is authorized by law?

68	Name	Address	Date
69	(Post office or street address)		

70 (d) If the commission, prior to the first day of
 71 November, one thousand nine hundred ninety-three, has
 72 authorized any racetrack to conduct video lottery games at
 73 its pari-mutuel facility, the games may continue to operate
 74 until the first day of January, one thousand nine hundred
 75 ninety-five, pending the results of any local option
 76 election held pursuant to the provisions of this section.

77 (e) The commission may not issue any license or
 78 permit until background investigations are concluded.

79 The commission must make an affirmative determination
80 that the applicant is qualified and the applicable license or
81 permit fees have been paid prior to issuing any license or
82 permit.

83 (f) The commission shall notify the applicant if an
84 application is incomplete and the notification shall state
85 the deficiencies in the application.

86 (g) The commission shall notify applicants in writing
87 of the denial, suspension or revocation of a permit or
88 license and the reasons for the denial, suspension or
89 revocation in accordance with the provisions of section
90 fifteen of this article.

91 (h) An applicant may request a hearing to review a
92 license or permit denial, suspension or revocation in
93 accordance with section fifteen of this article.

94 (i) The following license or permit fees shall be paid
95 annually by each licensed racetrack, or permitted
96 manufacturer, service technician or validation manager:

97 (1) Racetrack: \$1,000.

98 (2) Manufacturer: \$10,000.

99 (3) Service technician: \$100.

100 (4) Validation manager: \$50.

101 The fees shall be paid to the commission at the time of
102 license or permit application and on or before the first day
103 of July of each year thereafter, at which time the license or
104 permit may be renewed.

105 (j) An applicant for a video lottery license shall, prior
106 to the issuance of the license, post a bond or irrevocable
107 letter of credit in a manner and in an amount established
108 by the commission. The bond shall be issued by a surety
109 company authorized to transact business in West Virginia
110 and the company shall be approved by the insurance
111 commissioner of this state as to solvency and
112 responsibility.

113 (k) The commission shall renew video lottery licenses

114 and permits annually as of the first day of July of each
115 year, if each person seeking license or permit renewal
116 submits the applicable renewal fee, completes all renewal
117 forms provided by the commission, and continues to meet
118 all qualifications for a license or permit.

119 (l) License and permit holders shall notify the
120 commission of any proposed change of ownership or
121 control of the license or permit holder and of all other
122 transactions or occurrences relevant to license or permit
123 qualification. In order for a license or permit to remain in
124 effect, commission approval is required prior to
125 completion of any proposed change of ownership or
126 control of a license or permit holder.

127 (m) A license or permit is a privilege personal to the
128 license or permit holder and is not a legal right. A license
129 or permit granted or renewed pursuant to this article may
130 not be transferred or assigned to another person, nor may
131 a license or a permit be pledged as collateral. The
132 purchaser or successor of any license or permit holder
133 must independently qualify for a license or permit. The
134 sale of more than five percent of a license or permit
135 holder's voting stock, or more than five percent of the
136 voting stock of a corporation which controls the license or
137 permit holder or the sale of a license or permit holder's
138 assets, other than those bought and sold in the ordinary
139 course of business, or any interest therein, to any person
140 not already determined to have met the qualifications of
141 section seven of this article voids the license unless the sale
142 has been approved in advance by the commission.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Rob Shover

Chairman Senate Committee

Randy Seant

Chairman House Committee

Originating in the House.

Takes effect from passage.

Carroll Allen

Clerk of the Senate

Bregan M. Bray

Clerk of the House of Delegates

Carl Ray Tomblin

President of the Senate

Ralph Abner

Speaker of the House of Delegates

The within is approved this the 28th
day of March, 1996

Easton Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date

2/27/96

Time

2:58pm